

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER**

UNITED STATES OF AMERICA )  
                                ) Case No. 4:20-cr-03-02  
v. )  
                                ) Judge Travis R. McDonough  
                                )  
JERRY MCLEAN                 ) Magistrate Judge Susan K. Lee  
                                )

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**ORDER**

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Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the six-count Indictment; (2) accept Defendant's guilty plea to the lesser included offense of the charge in Count One of the Indictment, that is, conspiracy to distribute a mixture and substance containing methamphetamine in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C); (3) adjudicate Defendant guilty of the lesser included offense of the charge in Count One of the Indictment, that is, conspiracy to distribute a mixture and substance containing methamphetamine in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C); (4) defer a decision on whether to accept the revised plea agreement (Doc. 162) until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter (Doc. 175). Both parties filed notices of no objection to the report and recommendation. (*See* Docs. 178, 180.) After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 175) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count One of the six-count Indictment is **GRANTED**;
2. Defendant's plea of guilty to the lesser included offense of the charge in Count One of the Indictment, that is, conspiracy to distribute a mixture and substance containing methamphetamine in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge in Count One of the Indictment, that is, conspiracy to distribute a mixture and substance containing methamphetamine in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C);
4. A decision on whether to accept the revised plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **January 22, 2021 at 2:00 p.m. [EASTERN]** before the undersigned.

**SO ORDERED.**

/s/Travis R. McDonough  
**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**